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Crl.A.No.643 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.Sakthivel

2.Logambal

... Appellants/Accused 1&2

Versus

1.The Inspector of Police,
Annadhanapatty Police Station,
Salem City.
(Crime No.239 of 2022)

2.The Assistant Commissioner of Police,
Annadhanapatty Sub-Division,
Salem City.

... Respondent/Complainant

3. Kalaiselvi

... Respondent/Defacto Complainant

Prayer: Criminal Appeal Case filed under Section 14 – A (2) of the Scheduled Castes and the Schedule Tribes (Prevention of Atrocities) Amended Act, 2015 to set aside the bail dismissal order dated 10.06.2022 passed by the Principal Sessions Judge, Salem in CMP No.2176/2022 and enlarge the petitioner on bail in Crime No.239 of 2022 on the file of Inspector of Police, Annadhanapatty Police Station, Salem District.

For Appellants : Mr.B.Vasudevan

For Respondent : Mr.S.Vinoth Kumar,
Nos.1 & 2 Government Advocate (Crl.Side)



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J U D G M E N T

This criminal appeal is filed against the order of the learned Principal Sessions Judge, Salem, dated 10.06.2022, in CMP No.2176/2022, in and by which, the prayer of the appellants to enlarge them on bail is rejected by the learned Judge.

2.The gist of the allegations in the complaint is that the brother of the first appellant, namely, Madheswaran, promised to marry the defacto complainant and had intercourse with her and also took a sum of Rs.1,00,000/- from her and thereafter, refused to marry her. When the defacto complainant went to his house, the appellants, namely, his brother Sakthivel and his mother Logambal were present. Upon being demanded by the defacto complainant to advise her son to marry her or to return her money, calling her caste name, they attacked her with hands and legs and also snatched her mobile phone.

3.Upon notice being issued to the defacto complainant, the learned counsel is present and she opposed the grant of bail on submission that subsequently FIR has been altered to Section 376 IPC also and the accused Madheswaran is yet to be arrested and therefore, she would oppose the



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grant of bail to the appellants herein.

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4. Even taking the said fact into consideration, in this case, still the offences under Section 376 IPC will be made out only as against the said accused Madheswaran, who is said to be absconding. The appellants before this Court are the brother and mother of the said Madheswaran. The allegations against them are under Sections 323, 324 IPC and Section 3 of SC and ST (Prevention of Atrocities) Act and under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

5. Considering the fact that they are arrested and are in jail from 30.05.2022, I am of the view that this is a fit case for grant of bail to the appellants herein. Accordingly, the appellants shall be enlarged on bail on the following conditions:

(a) the appellants are ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- each (Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Special Court for SC/ST (PoA) Act, Salem;

(b) the appellants and the sureties shall affix their photographs and



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left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(c) the appellants shall appear before the respondent police daily at 10.30 A.M., untill further orders.

6.This Criminal Appeal is ordered accordingly.

13.07.2022

Index : Yes/No
Internet: Yes /No
Speaking/Non-speaking order
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To

- 1.The Principal Sessions Judge,
Salem.
- 2.The Inspector of Police,
Annadhanapatty Police Station,
Salem City.
(Crime No.239 of 2022)
- 3.The Assistant Commissioner of Police,
Annadhanapatty Sub-Division,
Salem City.
- 4.The Public Prosecutor,
High Court, Madras.
5. The Superintendent,



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Central Jail, Salem.

6. The Superintendent,
Sub-Jail for women, Salem.



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D.BHARATHA CHAKRAVARTHY, J.

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